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UNCLAS SECTION 01 OF 02 BRUSSELS 001997

SIPDIS

SENSITIVE

E.O. 12958: N/A

TAGS: [PREL](#) [PTER](#) [PINR](#) [ECON](#) [ETRD](#) [EUN](#) [USEU](#) [BRUSSELS](#)

SUBJECT: EU/COUNTERTERRORISM: VITORINO AND DE VRIES: TIME TO STEP UP AND PERFORM

Summary

11. (SBU) For the past two years, we have struggled with the EU bureaucracy on a range of counter-terrorism measures aimed at tightening border security, enhancing control of container traffic, improving travel document security, and strengthening law enforcement cooperation. After the Madrid bombings, the EU is starting to get more serious about these concerns. Justice and Home Affairs Commissioner Antonio Vitorino (cabinet minister equivalent) and newly-appointed Counter-Terrorism coordinator Gijs de Vries (S/CT counterpart with U/S equivalent rank) should be the point men in this effort, but neither have been as forceful as we believe is necessary if the EU is to move in the directions we would like. Even as their discussions in Washington delve into the particulars, we should also underscore the overall policy message: we want to cooperate with the EU in preventing terrorism, not just reacting to it, and it is time for this duo to step up to the plate and perform. End Summary

EU Trying to Get Serious About Terrorism

12. (SBU) After 9/11, the EU adopted a series of policy measures aimed at tackling the threats posed by terrorism. Those decisions were welcome, but implementation bogged down in myriad internal regulations in the EU, where rules developed to regulate commerce and protect personal data were ill-equipped to address the terrorism menace. At the level of member states, law enforcement and counter-terrorism cooperation was minimal and grudging. Slowly, the EU has been trying to change this mindset. The European Security Strategy adopted late last year identifies terrorism as one of the key threats to European society, and calls for measures to address it. The Madrid bombings brought home to Europeans that the threats are real, and the need to respond urgent. In March, the European Council reaffirmed many of its post-9/11 decisions, and called for implementation to be accelerated. In our bilateral efforts with the EU, we have scored successes -- last July we agreed on a revolutionary new Mutual Legal Assistance Treaty -- but pinning down implementing agreements on a state-by-state basis has languished. More recently, we reached agreement on sharing of Passenger Name Record data (over significant opposition from the European Parliament), signed a Container Security Initiative agreement, and the EU is moving ahead slowly in adopting new rules on terrorist financing and designating more organizations on their asset freeze list.

13. (SBU) Still, at every step in the road, the EU has struggled with itself: the "mixed competency" area of Justice and Home Affairs has not been able to take the lead from the more developed "first pillar" bureaucracy that regulates trade and commerce in the EU, and member states continue to resist ceding national control over security and counter-terrorism in favor of better coordinated mechanisms on a Europe-wide basis. That is why the Council also decided at its March session to appoint a "Terrorism Czar" to bring greater coherence and effectiveness to this effort.

Vitorino and De Vrijs:
Teammates or Competitors, Leaders or Something Else?

14. (SBU) The two point men in this effort are Vitorino and De Vries. Unfortunately, neither has stepped forward boldly to drive European policy in this field. Vitorino, a former Portuguese Defense Minister turned Eurocrat, is nurturing a dark horse candidacy to replace Romano Prodi as the next President of the Commission. His is a long shot, as he does not come from the ruling party in Portugal, and has no other member state as a champion. Still, he is treading carefully to ensure he can maintain broad support within EU circles. If he does not emerge as a compromise candidate, he will increasingly look like a lame duck, with his term in the Commission likely to end this November. Vitorino allowed Commission colleagues overseeing internal market rules to take the lead in our difficult PNR discussions, and failed to confront member states on MLAT implementation or counter-terrorism coordination. Directly beneath him, his Director General, Jonathan Faull, is an experienced

bureaucrat, veteran of the several Commission directorates as well as a former spokesman for Prodi. He is the power behind the throne on JHA matters, has been a key player in moving forward our agenda, and will be accompanying Vitorino in all his meetings. If, as we suspect, Vitorino's days are numbered, we should not ignore Faull, who is likely to remain in place no matter what changes take place in the Commission.

15. (SBU) De Vries is the new kid on the block. He is just settling into his new position, but his first efforts have been extremely modest. A retiring Dutchman with limited experience in counter-terrorism, he lacks stature or any real authority. He has no staff to speak of, and appears to spend as much time fighting bureaucratic battles with the Commission (especially with Faull) over where the lead on counter-terrorism should be as he does in addressing the actual issues at play. In fact, the current tandem visit by Vitorino and de Vrijs is itself the result of an uneasy patchwork of invitations and mutual recriminations between Council and Commission staffers. De Vries failed to speak up when he had opportunities on PNR, and appears to be treading carefully with member states as well. If the EU is to gain real traction here, these two elements will have to begin to see each other as teammates in a broader struggle, and also begin to take a bolder leadership stand within the EU bureaucracy and with member states to ensure that needed changes take place.

Our Message: Time to Step Up to the Plate

16. (SBU) Our message to the EU in Washington has both public and private elements. The public message should be that the US welcomes the EU commitment to address terrorism, and we want to work closely with you. In private, however, we should make clear the we have been frustrated with our efforts thus far, and believe the EU needs to begin putting greater emphasis on the practical measures needed to address the terrorist threat, and to give greater weight to law enforcement cooperation, intelligence-sharing, and practical measures to protect travel and commerce. They need to hear we are interested in working with the EU, but also that we cannot allow EU institutional complexity to slow down measures we are convinced we need to take. The high-level meetings accorded Vitorino and de Vries in Washington (Secretary Ridge, Attorney General Ashcroft, Deputy Secretary Armitage) are in themselves an indication of the hopes we are placing in improving our cooperation. To succeed, however, we will be looking to Vitorino and de Vries to take a stronger leadership position to prove the EU's new seriousness of purpose. If they leave Washington with a renewed commitment to lead, it will have been a very successful visit.

FOSTER